IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1563 OF 2007

Anant B. Thakur & Ors. ....Petitioners
V/s.
Kamlibai G. Thakur & Ors. ....Respondents

Mr.H.G. Misar for the Petitioners.

CORAM : S.J. VAZIFDAR, J.
DATED : 11TH JULY, 2007.

P.C. :

1. The Petition is filed challenging the order refusing the Petitioners' application for amendment of the plaint.

2. I heard Mr.Misar, the learned counsel appearing for the Petitioners at considerable length. For the purpose of this Writ Petition, I do not intend making any observations on merits of the matter. Suffice it to state that the trial has already commenced. The Petitioners are always at liberty to challenge the impugned order from the final judgment/decree that may be passed.

3. The mere fact that the Petitioners' application for amendment has been dismissed, shall

not preclude the Petitioners from leading evidence regarding the facts. Needless to add that the trial Court will consider the admissibility of such evidence on its own merits.

4. Subject to the aforesaid liberty, the Writ Petition is dismissed.